

§ 351.20

an opportunity to demonstrate the eligibility of the lot for certification before the final determination is made.

§ 351.20 Withdrawal of service from certified plants.

(a) After opportunity for hearing has been accorded the operator of a certified plant, the certification service, provided for in this part, may be withdrawn from such plant in accordance with the applicable rules of practice, if it is determined that:

(1) The operator, or his employee or agent:

(i) Has made any willful misrepresentation or engaged in any fraudulent or deceptive practice in connection with the service;

(ii) Has interfered with or obstructed any Program employee or other inspector in the performance of his duties, under the regulations in this part, by intimidation, threats, or other improper means; or

(iii) Has violated section 203(h) of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622(h)), or any regulation in this part; or

(2) Facilities or procedures at the certified plant do not conform to the arrangements approved by the Administrator under § 351.5.

(b) Pending final determination of the matter, the Administrator may summarily suspend the certification service at any certified plant when he has reason to believe that there is cause for withdrawal of the service under paragraph (a). The operator of the certified plant shall be notified of the Administrator's decision to suspend summarily the certification service at such plant and the reasons therefor, in writing, in the manner prescribed in § 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. The Administrator's decision to suspend summarily the certification service shall be effective upon such oral or written notification, whichever is earlier, to the operator of the certified plant. If such notification is oral, the Administrator shall confirm such decision, and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the operator of the certified plant, in the manner prescribed

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in § 1.147(b) of the rules of practice (7 CFR 1.147(b)).

(c) The rules of practice of the Department of Agriculture in subpart H of part I, subtitle A, title 7 of the Code of Federal Regulations, are the rules of practice applicable to adjudicatory, administrative proceedings under the regulations in this part (9 CFR part 351).

[40 FR 58627, Dec. 18, 1975, as amended at 43 FR 11148, Mar. 17, 1978]

APPEALS

§ 351.21 Appeals.

Any decision by an employee of the Program may be appealed by any adversely affected person to the immediate supervisor of such employee. Decisions of other inspectors may be appealed to the circuit supervisor.

RECORDS AND REPORTS

§ 351.22 Certified plants to maintain records and make reports; access to records.

(a) Each day a certified plant prepares, receives, or ships certified technical animal fat or receives material for use in such product, the operator of the plant shall prepare records identifying the kinds and quantities of such materials and technical animal fats received, the number of pounds of certified technical animal fat prepared or shipped, and an up-to-date inventory of certified technical animal fats in storage. The operator of each certified plant shall include in the records required by this section all MP Forms 85 which he receives with shipments of certified technical animal fat from any other certified plant. These records shall be maintained by the operator of each certified plant and made available to an inspector, upon request, for examination and copying, for a period of 1 year after the date of the transaction involved.

(b) The operator of each certified plant shall provide such relevant information as any inspector may request to enable him to determine whether any technical animal fats are eligible for certification and whether the plant

is eligible for certification service under the regulations in this part.

(Approved by the Office of Management and Budget under control number 0583-0036)

[40 FR 58627, Dec. 18, 1975, as amended at 47 FR 746, Jan. 7, 1982]

PART 352—EXOTIC ANIMALS AND HORSES; VOLUNTARY INSPECTION

Subpart A—Exotic Animals

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AUTHORITY: 7 U.S.C. 1622, 1624; 7 CFR 2.17 (g) and (i), 2.55.

SOURCE: 50 FR 41847, Oct. 16, 1985, unless otherwise noted.

Subpart A—Exotic Animals

§ 352.1 Definitions.

The definitions in § 301.2, not otherwise defined in this part, are incorporated into this part. In addition to those definitions, the following definitions will be applicable to the regulations in this part.

(a) *Act* means the applicable provisions of the Agricultural Marketing

Act of 1946, as amended (60 Stat. 1087, as amended; 7 U.S.C. 1621 *et seq.*).

(b) *Acceptable* means suitable for the purpose intended and acceptable to the Food Safety and Inspection Service.

(c) *Antelope* means any animal belonging to the antelope family.

(d) *Applicant* means any interested party who requests any inspection service.

(e) *Bison* means any American bison or catalo or cattalo.

(f) *Buffalo* means any animal belonging to the buffalo family.

(g) *Catalo* or *Cattalo* means any hybrid animal with American bison appearance resulting from direct crossbreeding of American bison and cattle.

(h) *Condition* means any condition, including, but not limited to, the state of preservation, cleanliness, or soundness of any product or the processing, handling, or packaging which may affect such product.

(i) *Condition and wholesomeness* means the condition of any product, its healthfulness and fitness for human food.

(j) *Deer* means any member of the deer family.

(k) *Exotic animal* means any reindeer, elk, deer, antelope, water buffalo or bison.

(l) *Elk* means any American elk.

(m) *Exotic animal inspection service* means the personnel who are engaged in the administration, application, and direction of exotic animal inspection programs and services pursuant to the regulations in this part.

(n) *Exotic animal producer* means any interested party that engages in the raising and/or marketing of an exotic animal for commercial purposes.

(o) *Field ante-mortem inspection* means the ante-mortem inspection of an exotic animal away from the official exotic animal establishment's premises.

(p) *Field designated area* means any designated area on the applicant's premises, approved by the Regional Director, where field ante-mortem inspection is to be performed.

(q) *Identify* means to apply official identification to products or containers.

(r) *Inspection* means any inspection by an inspector to determine, in accordance with regulations in this part,